

REMARKS

The Examiner's Office Action of 4/29/04 has been reviewed.

In response to the Examiner's rejection of Claims 1 - 4 "under 35 U.S.C. 112" amendments have been made to the claims in accordance with the Examiner's helpful suggestions.

In response to the Examiner's objection to the drawings, a new page of drawings with a corrected Figure 4 is submitted herewith for the Examiner's approval.

The Examiner then inquires, "In Claim 1, line 22, what portion of follower 42 is intended to be the claimed 'an arcuate lowermost extent'?" Applicant has amended his Claim 1 to answer the Examiner's inquiry.

The Examiner's Office Action dated 07/29/03 has been reviewed. The Examiner has rejected applicant's Claim 2 based on 35 U.S.C. 102, as being anticipated by Lewis (U.S. Patent 283,122). The Examiner holds that the "hemispherical dimple located to fit in an annular recess" is anticipated by "e" of the Lewis patent. Applicant submits that the letter "e" in the Lewis patent refers to a flange of the follower. "This plate d is provided on each side with one or more upwardly-projected lips or flanges, e, which prevent the plate d from slipping off the rounded surface of the cartridge in contact therewith and becoming jammed or wedged between the cartridges, as might otherwise occur, and which would thus render the follower

inoperative and cause serious inconvenience and delay."

(Column 3, lines 38 - 47). The Lewis patent describes and teaches flanges on the sides of the follower. The present teaching is one of a dimple, located on or about the center of the follower. The flanges keep the cartridges from sliding sideways, but the dimple does not function in this capacity, but keeps the cartridge from moving forward on the follower.

The Examiner has rejected applicant's Claim 3 based on 35 U.S.C. 103(a), as being unpatentable over Lewis (U.S. Patent 283,122) in view of Vieweg (U.S. Patent 6,560,907) or The American Rifleman. It is submitted that the teaching of the present application, that of having a follower with a dimple, differs from the flanges that are taught in Lewis. The flanges are, as drawn in figures 2 and 6 of the Lewis patent, are on the sides of the follower, and not at or about the center of the follower, as taught in the present application. Not only is the dimple structurally different from the Lewis flanges, but functionally the dimple produces a different effect, that is, the dimple allows the cartridge case to slide laterally but not forwardly, whereas the Lewis flange allows the cartridge case to slide forwardly, but not laterally. The "improved magazine" that is advertised in The American Rifleman teaches a plurality of reinforcing indentations on the follower surface. Neither Vieweg, Lewis, or The American Rifleman teaches an upwardly

displaced dimple that is located at or about the center of a follower.

The Examiner has rejected applicant's Claim 2 based on 35 U.S.C. 102(b), as being anticipated by Menneking et al (U.S. Patent 3,158,947). Menneking teaches "Rollers 12 are provided in the middle and rear regions of the base 11 of the platform frame, i.e. that part which rests on the cartridges, whereby frictional losses during the longitudinal movements of the cartridge with respect to the platform frame are almost completely avoided, as well as any jamming occurring through twisting of the cartridges to the platform frame." (Column 2, Lines 62 - 68). Menneking does not teach a single dimple located at or about the middle of the follower of a magazine.

The Examiner has rejected applicant's Claim 2 based on 35 U.S.C. 102(b), as being anticipated by Motley (English Patent 584,743). Motley teaches more than one roller with each of the rollers having a rotating axis that is perpendicular to the length of a cartridge. The Motley invention allows a cartridge to easily rotate in place, allowing the cartridge to "roll" along the magazine walls, instead of dragging across the magazine walls. The Motley rollers differ from the present dimple both structurally and functionally, and hence, do not teach that concept that is taught in the present invention.

The Examiner has rejected applicant's Claim 2 based on 35 U.S.C. 103(a), as being unpatentable over Engh et al (Belgian Patent 4378), in view of Lewis or Clark. Engh, as does Lewis and Clark, teaches a magazine that has a follower. Neither Clark, Lewis nor Engh teaches a dimple located at or about the center of a follower. Lewis, as noted above, teaches a plurality of flanges located on the sides of the follower to keep the cartridge from slipping off the follower. Clark teaches an extractor that is associated with a bolt of a firearm. The extractor functions to remove a spent cartridge from the chamber of a firearm, whereas the dimple of the present invention prevents an intact cartridge from moving from the magazine, except when urged forward, out of the magazine, by the bolt. The Clark (U.S. Patent 3,880,045) extractor lug 16 has a flat face, unlike the rounded "dimple" of the present invention. Figures 1, 3, 5, and 6 show the flat surface of the extractor 16 as it contacts the rimless case. It should be noted that the flat face is a necessity for the extractor lug to grip and hold the rimless case in order to extract the case from the chamber of the weapon. A roundly configured extractor could not hold a case as a flat faced extractor does.

Applicant submits that the foregoing remarks, in conjunction with the amendments provided below, are fully responsive to the Examiner's objections and rejections. In regards to Claims 2

and 4, the Applicant submits that the differentiation of the present invention, as claimed in Claim 2, from the prior art, as set forth above, overcomes the requirement that Claim 4 be rewritten in an independent form to incorporate all the limitations of the base claim and any intervening claims. The Applicant requests that the objections and rejections be withdrawn, and the application be passed forward to issue.